

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DAVID E. LEWIS,

Plaintiff,

vs.

No. CIV 11-0283 JB/ACT

CHESTER W. GOLDSBERRY and  
STYLINE TRANSPORTATION, INC.,

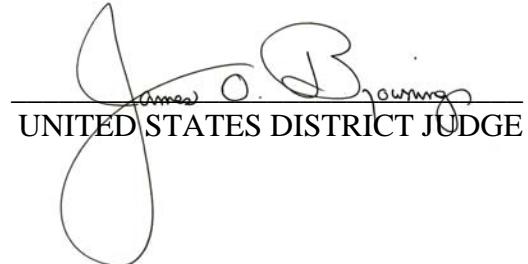
Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on: (i) the Court's Memorandum Opinion and Order, filed February 27, 2012 (Doc. 34) ("MOO"); and (ii) the Amended Notice to Court Pursuant to Order Entered on February 27, 2012, filed March 27, 2012 (Doc. 37) ("Notice"). In its MOO, the Court directed Plaintiff David E. Lewis to produce discovery within thirty days of the MOO's entry, and indicate his desire to further prosecute his case or face dismissal. See MOO at 14-15. Thirty days have now passed, and Lewis has not produced the discovery that the Court ordered. See Notice at 1. This case has languished, because Lewis has failed to adequately produce discovery and failed to respond to his attorney's attempts to contact him. See MOO at 14.

Lewis' actions indicate that he does not wish to prosecute his case. Accordingly, having considered the submissions of record, the relevant law, and otherwise being fully advised, the Court concludes that dismissal without prejudice is appropriate. See, e.g., Davis v. Miller, 571 F.3d 1058. 1061 (10th Cir. 2009)(holding that, pursuant to rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action sua sponte if plaintiff fails to prosecute or to comply with procedural rules).

**IT IS ORDERED** that the request in the Amended Notice to Court Pursuant to Order Entered on February 27, 2012, filed March 27, 2012 (Doc. 37), is granted and that the case is dismissed without prejudice.



James B. Johnson  
UNITED STATES DISTRICT JUDGE

*Counsel:*

Lee L. Coleman  
Warren F. Hire, II  
Ron Bell Injury Lawyers  
Albuquerque, New Mexico

*Attorneys for the Plaintiff*

Brenda M. Saiz  
Rodey, Dickason, Sloan, Akin & Robb, P.A.  
Albuquerque, New Mexico

*Attorneys for the Defendants*